

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
**Richard Oesterreicher et al.**

Application No.: 10/609,426

Filing Date: June 27, 2003

For: **SYSTEM AND METHOD FOR DIGITAL MEDIA SERVER LOAD  
BALANCING**

Confirmation No.: 7950

Group Art Unit: 2153

Examiner: Not Yet Assigned

DATE OF DEPOSIT: October 11, 2006

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.




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 TYPED NAME: Kenneth R. Eiferman  
 REGISTRATION NO.: 51,647

MS Amendment  MS AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

## REPLY TRANSMITTAL LETTER

- A Preliminary Amendment.
- An Amendment Responsive to the Office Action Dated \_\_\_\_\_.
- An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- A Substitute Specification (pages 1 - \_\_\_\_\_) in clean form.
- A substitute specification (pages 1 - \_\_\_\_\_) with markings.
- An Abstract is enclosed.
- replacement sheets of drawings are enclosed comprising figures \_\_\_\_\_.
- Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) \_\_\_\_\_ is submitted herewith.

- Petition is hereby made to accept drawing(s)/photograph(s) in this case.
- Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- A Certified Copy of each of the following applications: \_\_\_\_\_ is enclosed.
- An Assignee Power of Attorney is enclosed.
- Information Disclosure Statement.
  - Attached Form 1449.
  - A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- A Terminal Disclaimer is attached.
- Appendices as follows:
- Other
- No Additional Fee is Due.**
- Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as \_\_\_\_\_.
- This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

|  | REMAINING<br>AFTER<br>AMENDMENT | HIGHEST<br>PAID FOR | EXTRA | SMALL ENTITY  |       | NOT SMALL ENTITY |          |
|--|---------------------------------|---------------------|-------|---------------|-------|------------------|----------|
|  |                                 |                     |       | RATE          | Fee   | Rate             | Fee      |
| TOTAL CLAIMS   | 32                              | 20<br>(20 MINIMUM)  | 12    | \$25<br>EACH  | \$    | \$50 EACH        | \$600.00 |
| INDEP. CLAIMS  | 3                               | 3<br>(3 MINIMUM)    | -0-   | \$100<br>EACH | \$    | \$200<br>EACH    | \$-0-    |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT                     |                                 |                     |       | \$180         | \$    | \$360            | \$-0-    |
| <input type="checkbox"/> ONE MONTH EXTENSION OF TIME         |                                 |                     |       | \$60          | \$    | \$120            | \$-0-    |
| <input type="checkbox"/> TWO MONTH EXTENSION OF TIME         |                                 |                     |       | \$225         | \$    | \$450            | \$-0-    |
| <input type="checkbox"/> THREE MONTH EXTENSION OF TIME       |                                 |                     |       | \$510         | \$    | \$1020           | \$-0-    |
| <input type="checkbox"/> FOUR MONTH EXTENSION OF TIME        |                                 |                     |       | \$795         | \$    | \$1590           | \$-0-    |
| <input type="checkbox"/> FIVE MONTH EXTENSION OF TIME        |                                 |                     |       | \$1080        | \$    | \$2160           | \$-0-    |
| <input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID |                                 |                     |       | minus         | (\$ ) | minus            | (\$-0-)  |
| <input type="checkbox"/> TERMINAL DISCLAIMER                 |                                 |                     |       | \$65          | \$    | \$130            | \$-0-    |
| <input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:  |                                 |                     |       |               |       |                  | \$-0-    |
| TOTAL FEE DUE  |                                 |                     |       |               | \$    |                  | \$600.00 |

- A check in the amount of \$600.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- Please charge Deposit Account No. 23-3050 in the amount of .00. This sheet is attached in duplicate.
- The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.
- Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of \_\_\_\_\_ to and through \_\_\_\_\_ comprising an extension of the shortened statutory period of \_\_\_\_\_ month(s).

The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: October 11, 2006



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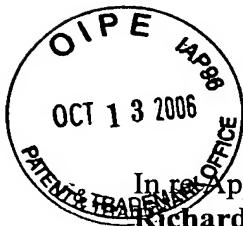
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Application No.: 10/609,426  
Preliminary Amendment - First Action Not Yet Received

*1121*  
PATENT



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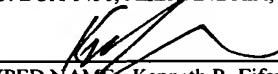
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TYPED NAME: Kenneth R. Eiferman  
REGISTRATION NO.: 51,647

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PRELIMINARY AMENDMENT PURSUANT TO 37 CFR § 1.115**

Preliminary to examination of the above-captioned patent application, please amend  
the application as follows:

- Amendments to the Specification** begin on page \_\_\_\_\_ of this paper.
- Amendments to the Claims** are reflected in the listing of the claims which  
begins on page 2 of this paper.
- Amendments to the Drawings** begin on page \_\_\_\_\_ of this paper and include  
an attached replacement sheet.
- Remarks** begin on page 7 of this paper.